

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RESERVE SOLUTIONS, INC.,

Plaintiff,

- against -

MARK VERNAGLIA,

Defendant.

**USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/31/06 DS**

ORDER

05 Civ. 8622 (VM) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Plaintiff Reserve Solutions, Inc. ("Reserve Solutions") commenced this action on October 11, 2005, against defendant Mark Vernaglia ("Vernaglia") for conversion of funds. In a telephone conference held on May 24, 2006, the Court resolved outstanding discovery disputes; quashed Reserve Solutions's subpoenas to third parties American Express and Lisa Vernaglia as overbroad; and ordered that the subpoenas be withdrawn pending further discovery. Instead of withdrawing the subpoena as directed by the Court, Reserve Solutions served American Express with a revised subpoena. The revised subpoena, like the original subpoena, seeks all account statements for a four year period for all of Vernaglia's American Express credit card accounts and records concerning specific disputed charges, and is overbroad because it is not limited to the accounts and transactions at issue in this case.

IT IS HEREBY ORDERED that:

- 1) Reserve Solutions's revised subpoena to American Express is quashed;
- 2) Reserve Solutions shall immediately notify American Express that the subpoena has been quashed; and

3) Reserve Solution shall file no additional third party subpoenas without express permission from the Court. Failure to comply with this order shall subject counsel to personal sanctions under 28 U.S.C. § 1927.

SO ORDERED this 30th day of May 2006
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written in a cursive style.

The Honorable Ronald L. Ellis
United States Magistrate Judge